

Memorandum

TO: Ryan Benefield, Deputy Director, ADEQ

THROUGH: Annette Cusher, Engineer Supervisor, Technical Branch, HWD
Tammie Hynum, Branch Manager, Technical Branch, HWD
Clyde Rhodes Jr., Chief, HWD

FROM: Cedar Chemical Project Team

DATE: March xx, 2010

SUBJECT: Former Cedar Chemical Corporation
Response to comments made during public comment period

The thirty (30) day public comment period to make comments on the Draft RADD ended March 25, 2010. Comments were received in the following letters:

- AECOM letter dated March 18, 2010
- Ann Faitz letter dated March 18, 2010
- Letter by concerned local citizen dated March 22, 2010
- Letter on behalf of Exxon/Helena Chemical dated March 25, 2010
- Letter on behalf of Harcros/Quapaw dated March xx, 2010

Response to comments made in AECOM letter dated March 18, 2010:

Response to comment 1:

It is duly noted that the Site 3 Feasibility Study Report did not consider NFA as the only alternative. Given this, ADEQ will change the language in the RADD to reflect the options considered in the Site 3 Feasibility Study Report. "Due to lack of participation by Ansul . ." will be replaced with "Due to negotiations between the 3 prp's ... "

Response to comment 2: ?? Do we need to include a reference page??

Response to comment 3: Risk

Response to comment 4:

ADEQ has decided to limit dialog pertaining to the site 3 FS. This is because the site 3 FS contributed very little to the remedial alternatives selected in the RADD. The Site 3 FS and other reports submitted on behalf of Wormald will be acknowledged in the introduction. But Table 3A will be revised to only include alternatives listed in the AMEC FS Report. Other places throughout the RADD will be revised as well. This does not in any way negate the efforts contributed by AECOM.

Response to comment 5: See response to comment 4

Response to comment 6:

Dinoseb was retained as COC for on-site perched groundwater (Table 5C of the RADD). Therefore it was warranted to address dinoseb in the sub-surface soil to limit the infiltration to the groundwater. The area outlined for stabilization in the RADD was expanded because significant dinoseb concentrations were found in the areas adjacent to the area outlined by AMEC.

In addition, the area outlined for stabilization in the RADD located in the northern portion of the facility was expanded to encompass SWMUs directly north of the production units.

Response to comment 7: Risk

Response to comment 8:

Since an agreement has not yet been made with a prospective purchaser/lessor since the site was abandoned in 2002, ADEQ has made its tentative remedial alternatives assuming the site will continue to remain abandoned. Razing structures will aid in implementing remedial alternatives in some areas. ADEQ is still open to negotiations with prospective purchaser/lessor and will look at other alternatives if an agreement is made before the Final RADD is published.

Response to comment 9: Risk

Response to comment 10: Risk

Response to comment 11: ??

Response to comment 12:

ADEQ will operate on the presumption that remedies outlined in the RADD will be pursued. Therefore, there is no need to look at a phased approach where remedies are put in place prior to implementing a more aggressive remedy.

Response to comment 13:

ADEQ does consider the groundwater beneath the facility to be a beneficial resource as it is used to irrigate agricultural fields near the facility. Therefore, ADEQ set the clean-up levels outlined in the RADD to be consistent with Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) policy. The enclosed document, OSWER Directive 9283.1-33, June 26, 2009 has been included to document the authorities, for the policies outlined [here](#). Note that although OSWER Directive 9283.1-33 was published recently, it is only a summary of the policies promulgated in CERCLA, as implemented by the National Oil and Hazardous Substance Pollution Contingency Plan (NCP).

See Enclosure: EPA OSWER Directive

Response to comments made in Ann Faitz letter dated March 18, 2010:

Response to **Fact Sheet**: Dara

Response to **Introduction, page 1, par. 3**: Comment duly noted. Changes will be made accordingly

Response to **Site Background, page 2, par. 3**: Dara

Response to **Site Background, page 5, par. 1**: That's Ann's opinion

Response to **Summary of Remedial Approach, page 5, par. 1**: That's Ann's opinion

Response to **Summary of Remedial Approach, p. 6, par. 2**: Most reports typically provide references. But this would mean we would have to include a reference page. If we included this, then we would have to reference everything.

Response to **Table 1, page 16**: Dara

Response to **Tables 2A and 28, pp 17-18**: Jay

Response to **Recommended Remedy for Drum Vault, page 23**: I can't find the data of samples taken from the drum vault.

Response to **Sec II Schedule of Implementation, page 36**: Dara

Response to **Administrative Record (AR), page 37**: That's her opinion. I do agree that we should title, author, and date to avoid confusion.

Response to **General Comment regarding Site Redevelopment and Section 8, p. 28**: See Response to comment 8.

Response to comments made on behalf of Exxon/Helena Chemical dated March 25, 2010

Response to Comment 1: Jay

The Draft RADD does incorporate a significant portion of the remedies that were also recommended in the FS Report. However, there is no rule stating ADEQ has to adopt every recommendation presented in the FS Report.

The most significant deviation from the FS Report was that the stabilization area was expanded in the vicinity of the former dinoseb disposal ponds. This was because Dinoseb was retained as a COC in sub-surface soil in the Draft RADD. Dinoseb in the sub-surface soil is above the “soil to groundwater protection concentration” (see table 5B of RADD) which makes it a potential pathway to groundwater. To address these elevated concentrations, the area was extended further to address dinoseb in greater concentrations than in the area outlined in the FS Report.

Response to Comment 2: Dara

The Draft RADD was written in the instance that a new implementing agreement would be signed before the Draft RADD was published. ADEQ agrees that the terms of CAO LIS 07-027 were met and no further requirements will be imposed until a new agreement is reached. Section 11 will be revised accordingly.

As far as the known PRP's, you know who you are. So don't play dumb with me – Mr. Exxon!

I don't think ADEQ is being legalistic in the RADD when discussing known PRP's. Over time and thru more document research, new PRP's will be discovered and will be partly liable for their contribution to site contamination. That's when they will be listed on orders and amendments to orders to include new parties.

Response to Comment 3: Dara

Response to comments made on behalf of Harcros/Quapaw dated March xx, 2010Response to comments made by concerned local citizen dated March 22, 2010

ADEQ continues to work with the company you referred to in your letter toward reaching an agreement. However, an agreement must be met that will not interfere with ADEQ's remediation objectives.